

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-20806 - APPLICANT/OWNER: SAHARA INVESTMENTS, LLC.**

---

**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-Z-0002-99), and Site Development Plan Review (SDR-4534) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**Public Works**

3. The proposed block wall shall comply with current City Site Visibility Restriction Zone Standards at driveway to roadway intersections. The City Traffic Engineer shall have final approval of the proposed block wall location to ensure that sight visibility requirements are adequately met.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow a 12-foot tall wall along the west and north property lines where eight feet is the maximum height permitted on property located at 300 West Sahara Avenue. The Variance is to replace a variance that expired

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
Month/date/year	Action
03/22/1961	The City Council approved a Rezoning (Z-0013-61) on a portion of the subject site from R-3 to C-1.
07/26/1961	The City Council approved a Rezoning (Z-0026-61) on a portion of the subject property from R-3 to C-1.
06/24/1976	The Board of Zoning Adjustment approved a Variance (V-0037-76) in order to permit a Wedding Chapel in a district where the use is not allowed.
01/07/1987	The City Council approved a Rezoning (Z-0099-86) on a portion of the subject property in order to allow a Wedding Chapel use.
02/18/1987	The City Council approved a Rezoning (Z-0107-86) on the subject property from R-3 and C-1 to C-1 and C-2 in order to permit the development of retail shops, gas sales and a convenience store, and a restaurant.
06/25/1987	The Board of Zoning Adjustment approved a Variance (V-0066-87) from parking requirements for a shopping center on the subject property.
03/08/1999	The City Council approved a Rezoning (Z-0002-99) to C-2 (General Commercial) on the subject property in order to permit the development of 54,580 square-foot shopping center. A Variance (V-0001-99) for relief from side, rear, and corner side yard setbacks was also approved in conjunction with the Rezoning request.
06/05/2002	The City Council approved a Site Development Plan Review [Z-0002-99(1)] for the development of a 200-room hotel and casino on the site. Special Use Permits for a Hotel Lounge Bar (U-0042-02) and Non-Restricted Gaming (U-0043-02), and a Variance (V-0027-02) to allow the construction of a parking garage directly on the north property line and 12-foot high perimeter walls were also approved at that time.

09/18/2002	The City Council adopted Ordinance No. 5508, which revised development standards applicable to commercial and industrial development, including the height of perimeter walls.
06/02/04	The City Council approved an Extension of Time (EOT-4349) for the Variance (V-0027-02) request that allowed a zero-foot setback for the parking structure and 12-foot high perimeter walls. (Expired June 5, 2006)
08/04/04	The City Council approved a Site Development Plan Review (SDR-4534) and a Special Use Permit (SUP-4540) for a Mixed-Use development that is 39 stories tall, has 808 residential units and 35,500 square feet of commercial space. The Planning Commission and staff recommended approval.
12/16/2004	The Planning Commission approved a Tentative Map (TMP-5574) for an 810-unit mixed-use condominium subdivision on 3.90 acres adjacent to the northwest corner of Sahara Avenue and Fairfield Avenue.
07/06/2005	The City Council approved a Site Development Plan Review (SDR-6588) for a 41 story mixed use development including; 900 residential units, 10,200 square-feet of commercial space and waivers from Downtown Centennial Plan section DS 3.1j to allow an 8-foot landscape buffer area where 10 feet is the minimum required, from section DS 5.1a to allow no wall alignment where 70 percent of the building street wall is require to align along the edge of the sidewalk or the median setback of existing buildings within the same block or street frontage, and from section DS 5.1i to allow building setbacks on only the 4th floor where building setbacks are required on the 4th, 11th, and 18th floors on 3.90 acres located at the northwest corner of Sahara Avenue and Fairfield Avenue.
05/10/07	The Planning Commission recommended approval of companion item VAC-20805 concurrently with this application.  The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #5/lhm).
<b><i>Related Building Permits/Business Licenses</i></b>	
Month/date/year	Description
08/03/2005	On sites (Permit #724786) and a 39-story building (Permit #724787)
<b><i>Neighborhood Meeting</i></b>	
NA	A neighborhood meeting is not required as part of this application, nor was one held.
<b><i>Field Check</i></b>	
04/04/07	Building under construction. Portion of alley to be vacated was within construction fencing.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	3.90

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Mixed Use Development	C (Commercial)	C-2(General Commercial)
North	Multifamily Residential	C (Commercial)	C-2(General Commercial)
South	Unincorporated Clark County / Sahara Avenue	Unincorporated Clark County/Sahara Avenue	Unincorporated Clark County/Sahara Avenue
East	Multifamily Residential	C (Commercial)	C-2 (General Commercial)
West	Retail and Multi-Family	C (Commercial) MXU(Mixed Use)	C-1 (Limited Commercial); R-4 (High-Density Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

The subject site is identified in the Downtown Centennial Plan as part of the Northern Strip District, a transitional area envisioned to be an extension of the hotel uses currently located along Las Vegas Boulevard. The Plan establishes goals and standards for development of the Downtown Overlay District, created in March 2001. Properties within the Downtown Overlay District are exempt from the automatic application of the required building setbacks, maximum building height, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements as stated in Title 19, unless staff, the Planning Commission, and/or the City Council determine that specific standards should be imposed.

The subject site is also included in the Las Vegas Redevelopment Plan Area, which includes most of downtown Las Vegas, portions of West Las Vegas, and the industrial area located south of Charleston and east of the Union Pacific Railroad. The purpose of this plan is to eliminate blighted properties, develop vacant or underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas.

## DEVELOPMENT STANDARDS

### *As per 19.08 Commercial and Industrial District Development Standards*

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Wall Height	8 Feet	12 Feet	N

## ANALYSIS

As this site is located within the Downtown Overlay District, Title 19 (Las Vegas Zoning Code) reserves the right for staff, the Planning Commission, or City Council to evaluate each site plan on a case-by-case basis to determine whether particular standards should be imposed.

In June of 2002 the City Council approved plans for a hotel and casino on the subject site. Also approved was a companion Variance application for a zero rear yard setback for a garage structure and a 12-foot high solid block wall along the north and west property lines (V-0027-02). The 12-foot high section of wall was to be constructed along the length of the rear parking area and the width of the parking garage for reasons of security. Staff, the Planning Commission, and the City Council determined the 12-foot wall was justified and recommended approval. An Extension of Time for the Variance was approved in June of 2004, with an expiration date of June 2006.

When the applicant decided not to develop the property as a hotel and casino, the previous Site Development Plan Review for the hotel and companion items were allowed to expire. A new site plan was submitted for a 39-story mixed use development and plans indicated the 12-foot high wall that was the subject of the original Variance request. Also, the property has now been expanded to include a parcel on the west side, a portion of a vacated alley and a sliver parcel, which sits between the two larger parcels.

As with the original Variance application, the applicant states the justification for this request to allow a 12-foot high block wall on the north and west property lines will not only will enhance the Allure project but will provide for the safety and well being of the future residents of the condominiums.

The proposed 12-foot high wall will be constructed of split and smooth face decorative block, consistent with the colors use for the exterior of the garage. Beginning at the northwest corner of the garage, the wall will be built along the property line on Cincinnati Avenue. A 40 foot wide gate will be installed between the wall sections to provide ingress and egress for the mixed use complex. The wall then extend south along the west parcel line, and encompasses the additional smaller parcel, tapering to 8 feet in height before reaching the back of side walk along Sahara Avenue.

## **FINDINGS**

No unique or extraordinary circumstances exist regarding the size, shape or configuration of the site. However, the Zoning Code does not require properties within the Downtown Overlay District to adhere to standards, and staff has no objection to the request for the increase in wall height.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 83 by City Clerk

**APPROVALS** 0

**PROTESTS** 0